

REMARKS

The Office examined claims 1-20 and rejected same. This paper requests entry of an amendment in response to the final Office action arguing that a limitation is not positively recited. Claims 1 and 11 would be changed to make express terminology recited in the claims based on the use of the terminology in the application, and claims 2 and 12 would be changed to make express the antecedents referred to in those claims. Claims 1-20 would remain pending in the case.

Changes to the claims

This paper changes claims 1 and 11 to recite that the values being updated by the risk processor are quantitative or subjective values, with the subjective values synchronized to numerical values. The application at page 11, ll. 13-18, explains that "[t]he value of a field, such as the inherent likelihood field, can be either what is here called a *subjective* value (such as, in the case of the inherent likelihood, the values *likely* or either *unlikely* or *rare*), or can be what is here called a *quantitative* value, i.e. a specific numerical value." The application also explains at page 12, ll. 19-26 (and referring to table 1) that subjective values are synchronized with (or correlated with) numerical (quantitative) values. Thus, both subjective values and quantitative values are ultimately numerical, or in other words quantitative. Now the application at page 10, ll. 29-31, explains that "[e]ach of the components [of a risk record] includes two or more fields, some of which are simply *descriptions*, and the others of which have *values*." [Emphasis added.] Applicant respectfully submits that since it is well settled that an applicant is entitled to define a term in an application, the use of "value" by applicant to indicate a numerical quantity--as opposed to descriptive information such as a risk identification--is already impliedly recited in the claims and is now simply made express, and applicant

requests that the Examiner enter the amendment on such grounds.  
(Applicant also respectfully submits that since the amendment of claims 2 and 12 merely clarifies the antecedents of terms in those claims, it also might reasonably be entered by the Examiner.)

Supplemental declaration

At section 1 of the Office action, the Examiner requires a supplemental oath or declaration under 37 CFR 1.67 because of applicant having added new claims 11-20. Accompanying this paper is a supplemental declaration under 37 CFR 1.67.

Claim Rejections under 35 USC §103

At section 2 of the Office action, claims 1, 2, 4, 5, 9, 10, 11, 12, 14, 15, 19 and 20 are rejected under 35 USC §103(a) as being unpatentable over Mulholland (article, "Risk Assessment and Construction Schedules," by B. Mulholland and J. Christian) in view of White (book, How Computers Work).

System claim 1 and corresponding method claim 11 are the only independent claims of the application. Claim 1 recites: a knowledge base, for maintaining a generic risk record including a plurality of fields at least some of which have subjective or quantitative values with the subjective values synchronized to numerical values; a data store of profiles, for maintaining a profile risk record associated with a particular profile and including the same plurality of fields as the generic risk record, the profile risk record for use in providing a risk assessment in the associated profile; and a risk processor, for updating at least one of the subjective or quantitative values of the generic risk record based on a corresponding field value in the profile risk record in the data store of profiles. Claim 11 recites a method including steps performed by the system recited in claim 1.

With the invention, a knowledge base can be used to hold records (called generic risk records) that hold quantitative values

(as well as descriptive information) for risks for different kinds of projects, and the record for a particular kind of project may have a value that has been updated from time to time by a risk processor based on corresponding records (having the same fields, and called profile risk records) for particular projects also maintained by the invention, so as to reflect experience gained over time for different kinds of risks in different kinds of projects, and so can then serve as a template--i.e. a starting point--for a risk record (a profile risk record) for a new undertaking of the particular kind. The updating of the knowledge base and the use of the knowledge base records as templates for new projects are both made possible by the recited arrangement in which a new (profile) risk record and the records of the knowledge base (the generic risk records) have the same fields.

Regarding claim 1: As in the previous Office action, the Office asserts that Mulholland discloses all of the limitations of claim 1, except for "specifically disclos[ing] the particular storage arrangement of the HyperCard regarding field values." For the latter, the Office relies on White. Applicant thus understands the rejection to be grounded solely on Mulholland, except for the recited limitation of holding risk information in records having different fields for different components of the information.

*Mulholland does not teach or suggest the updating of risk information as recited*

Applicant concedes that the prior art teaches the use of records consisting of fields as a way of holding information. However, even assuming that the information in Mulholland's knowledge base is organized as records of fields, Mulholland does not teach or suggest what could fairly be likened to a body of risk information including quantitative risk information in any arrangement (recited as generic risk records having fields for holding quantitative values), and also risk information for a particular project (recited as a risk record having the same fields

as the generic risk record), and also a risk processor for updating the former body of risk information based on the risk information for a particular project. (Mulholland is attacked here individually because the Examiner relies on Mulholland alone for teaching all the limitations of the claims except for holding information as records having fields.) All that Mulholland teaches is a knowledge base for risk *identification* as opposed to risk *measurement*, a recursive procedure for performing risk identification, measurement and management for a project, with the recursion used to refine the risk identifications, their measurements, and the risk management conclusions based on experience gained during the course of the project. There is simply no teaching or suggestion of anything like the updating of a knowledge base of quantitative values associated with a risk based on corresponding values for the risk in a particular project, as in claims 1 and 11. Mulholland does teach using past experiences in beginning a new project, but only for risk identification (using the HyperCard knowledge base referred to by the Examiner), not risk measurement, i.e. Mulholland nowhere teaches or suggests a knowledge base including risk information now expressly recited as quantitative (as opposed to risk identification information) updated by risk processor functionality based on corresponding quantitative risk information in a particular project, irrespective of any particular organization of the risk information in the knowledge base.

The Office action asserts that the "HyperCard knowledge base in Fig. 5" of Mulholland combined with "the previous project experience in Fig. 2" combined with "historical data discussed at P.11, C.1,L.5" can be likened to the knowledge base of generic risk records recited in claim 1, and that "a particular construction project type" in combination with "the conceptual project schedule in Fig. 2 and the estimate of project duration at P.11, C.1, L.8-12" can be likened to the data store of profiles recited in claim

1, and that the risk processor recited in claim 1 is taught or suggested by the "three recursive steps at P.11,C.1,L.12-17." Applicant respectfully points out that "the three recursive steps" do not include any kind of updating of historical information based on current information (but only refining current information as the project work is performed). Further, the "HyperCard knowledge base in Fig. 5" of Mulholland combined with "the previous project experience in Fig. 2" combined with "historical data discussed at P.11, C.1,L.5," which are likened to the knowledge base of generic risk records, and "the conceptual project schedule in Fig. 2 and the estimate of project duration at P.11, C.1, L.8-12," which are likened to a profile risk record, cannot in any sense be asserted to "have the same plurality of fields," as recited in claim 1, or, more generally, to be organized in the same way, or even to include the same information (the former having clearly more information than the latter, and not necessarily all of the same kind of information as the latter).

Thus, it cannot fairly be said that Mulholland teaches all of the elements of the invention as in claim 1 "except for the particular storage arrangement of the HyperCard regarding field values," and so the combination of White and Mulholland cannot fairly be said to teach or suggest all the limitations recited in claim 1.

*The recited storage arrangement as being the same for both generic and profile records makes all the difference and is not taught or suggested by either reference*

As noted above, the Examiner has asserted (at page 8, in Response to Arguments) that "it is merely the arrangement of the filed [sic] values that is lacking [in Mulholland]." Applicant wishes to emphasize that the "particular arrangement" the Examiner seems so unimpressed by makes all the difference. The information in the knowledge base for a risk is according to the invention stored in the fields of records for the risk, and the updating of

the fields of a record in the knowledge base is based on corresponding fields of a record for the same risk for a particular project. Were it not for the particular arrangement recited in claim 1, i.e. the same predetermined fields of records for a risk in the knowledge base (and called the generic risk records) and for a particular project (and called the profile risk records), the updating by a risk processor might not even be possible. If the historical risk information and the risk information for a particular project are not organized in the same way, i.e. according to a same predetermined arrangement, as in the invention as claimed, it is hardly likely that a risk processor (software functionality, as indicated in the field of the invention and as clear from a fair reading of the application throughout, as opposed to a human) could update the historical based on the particular. Thus, the recitation of the same arrangement (as the same fields) for both the generic and profile risk records is crucial to the invention, in that it facilitates the updating by the risk processor (and also facilitates the use of the generic risk records for templates for new projects, as in claims 10 and 20). Now not only is the same arrangement important, but it is not taught or suggested by either of the references, and in fact the Office action asserts that the generic risk records are suggested by information in an arrangement (the HyperCard knowledge base, the previous project experience and historical data) nowhere indicated as arranged at all similar to the information for a particular project (a particular construction project type combined with the conceptual project schedule and the estimate of project duration). Thus, again, it cannot fairly be said that Mulholland teaches all of the elements of the invention as in claim 1 "except for the particular storage arrangement of the HyperCard regarding field values," and so the combination of White and Mulholland cannot fairly be said to teach or suggest all the limitations recited in claim 1.

Thus, the combination of Mulholland and White fails to teach the invention as in claim 1 in two respects: it fails to teach or suggest the updating of risk information in a knowledge base, and it fails to teach or suggest the maintaining of information in the knowledge base in the same arrangement as for a particular project. The rejection of claim 1 ought therefore to be withdrawn. Since claim 11 includes the same limitations as system claim 1 (in terms of steps of a method) the same arguments apply also to claim 11 and applicant respectfully requests that the rejections under 35 USC §103 of both claim 11 also be withdrawn, and also the rejections of all the other claims in view of their dependencies.

Conclusion


For all the foregoing reasons it is believed that all of the claims of the application are now in condition for allowance, and their passage to issue is earnestly solicited. Applicant's attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

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WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
755 Main Street, P.O. Box 224  
Monroe, CT 06468-0224

Respectfully submitted,

  
James A. Retter  
Registration No. 41,266

tel: (203) 261-1234  
Cust. No.: 004955